

IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/566593-Conf. #3574
	Filing Date	January 31, 2006
	First Named Inventor	Asuka NISHIMURA
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	SHZ-028US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard PTO form SB/08 Certificate of Mailing Copies of Five (5) References
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Jeanne M. DiGiorgio		
Date	August 14, 2006	Reg. No.	41,710

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 14, 2006

Signature:

(Jeanne M. DiGiorgio)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 14, 2006

Signature: \_\_\_\_\_

(Jeanne M. DiGiorgio)

Docket No.: SHZ-028US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Asuka Nishimura *et al.*

Application No.: 10/566593

Confirmation No.: 3574

Filed: January 31, 2006

Art Unit: N/A

For: GENES THAT CONFER REGENERATION  
ABILITY TO PLANTS, AND USES  
THEREOF

Examiner: Not Yet Assigned

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

Applicants have not submitted English translations for C4-C7 in accordance with MPEP section 609.4(a)(III). Applicants submit herewith copies of the International Search Report, dated November 30, 2004, and the International Preliminary Report on Patentability, dated June 6, 2005, for Application No. PCT/JP2004/011307, which indicates the degree of relevance found by the foreign office.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

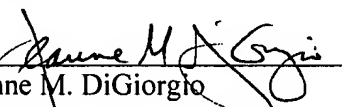
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. SHZ-028US. A duplicate copy of this paper is enclosed.

Dated: August 14, 2006

JMD/MLR/mch

Respectfully submitted,

By   
Jeanne M. DiGiorgio  
Registration No.: 41,710  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/566593-Conf. #3574
Filing Date	January 31, 2006
First Named Inventor	Asuka NISHIMURA
Art Unit	N/A
Examiner Name	Not Yet Assigned
Attorney Docket Number	SHZ-028US

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

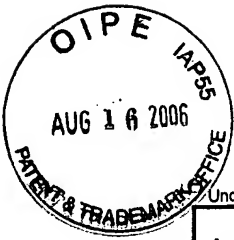
**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	Taguchi-Shiobara, Fumio, "Genetic Analysis of Regeneration Ability of Rice Seed Callus," <i>Bull. Natl. Inst. Agrobiol.</i> , Vol. 13:97-134 (1999)	
	C2	Taguchi-Shiobara, F. et al, "Mapping quantitative trait loci associated with regeneration ability of seed callus in rice, <i>Oryza sativa</i> L.," <i>Theor. Appl. Genet.</i> , Vol. 95:828-833 (1997)	
	C3	Terada, Yoshinobu et al, "Cloning and Nucleotide Sequence of a Leaf Ferredoxin - Nitrite Reductase cDNA of Rice," <i>Biosci. Biotech. Biochem.</i> , Vol. 59(11):2183-2185 (1995)	
	C4	Toshinori, Abe, "Ine no Datsubunka Saibunka no Ideneki SHihai," Heisei 5, 6 Nendo Kagaku Kenkyuho Hojokin (Sogokenkyu A), Kenkyu Seika Hokokusho, pp. 32-38 (1995)	
	C5	Ozawa, Kenjiro et al, "Ine Saibunkano no Iden Kaiseki Oyobi Kosaibunkano Ikushu Sozai no Kaihatsu"	
	C6	Shiobara, Fumio, "Koshihikari ni Takai Callus Keiseino Oyobi Saibunkano o Fuyo suru Tameno QTL Kaiseki," <i>Seibutsu Shigen Kenkyu Seika Joho</i> , Vol. 7:45-46 (1998)	
	C7	Taguchi, Fumio et al, "Ine Shushi Callus no Saibunkano ni Kanyo suru QTL no Mapping," <i>Breeding Science</i> , Vol. 46, Bessatsu 1, pg. 77 (1996)	
	C8	International Search Report for Application No. PCT/JP2004/011307, dated November 30, 2004	
	C9	International Preliminary Report on Patentability for Application No. PCT/JP2004/011307	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



Application No. (if known): 10/566593

Attorney Docket No.: SHZ-028US

## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on August 14, 2006  
Date

  
\_\_\_\_\_  
Signature

Jeanne M. DiGiorgio

\_\_\_\_\_  
Typed or printed name of person signing Certificate

41,710  
Registration Number, if applicable

(617) 227-7400  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Return Receipt Postcard  
Transmittal (1 page)  
Information Disclosure Statement (2 pages, in duplicate)  
PTO form SB/08 (9 References) (1 page)  
Copies of Four (5) References